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IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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EARLE JENSEN,

Plaintiff,

v.

BUREAU OF CRIMINAL  
INFORMATION, MARCUS YOCKEY  
and BARRY LAWRENCE,

Defendants.

**NOTICE OF REMOVAL**

Case No. 2:19-cv-00168-DBP

Magistrate Judge Dustin B. Pead

Pursuant to [28 U.S.C. §§ 1441 and 1446](#), Defendants Bureau of Criminal Information,<sup>1</sup> Marcus Yockey, and Barry Lawrence (“State Defendants”), by and through counsel, Kyle J. Kaiser, Assistant Utah Attorney General, hereby removes this proceeding to the United States District Court, in and for the District of Utah, Central Division. The grounds for removal are that Plaintiff Earl Jensen seeks monetary relief for alleged constitutional violations—particularly an violation of Plaintiff’s Double Jeopardy rights. This court has jurisdiction of such claims pursuant to [42 U.S.C. §§ 1331 and 1343\(a\)\(3\)](#). State Defendants were never properly served under Utah law but received notice of the Complaint on February 19, 2019, and therefore removal is timely. [28 U.S.C. § 1446\(b\)](#).

Pursuant to [28 U.S.C. § 1446\(a\)](#), a copy of all process, pleadings and orders received by the Bureau of Criminal Information, Marcus Yockey, and Barry Lawrence are attached hereto as Exhibits 1-3.

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<sup>1</sup> Plaintiff incorrectly named the party as the “Bureau of Criminal Investigations.” The Bureau of Criminal Information, a subdivision of the Utah Department of Public Safety, is the office that makes determinations regarding the availability of expungement of criminal records pursuant to Utah law. The change is made here for clarity. By making the change, State Defendants reserve all rights, including the right to seek dismissal of the Bureau as an entity not subject to suit.

RESPECTFULLY SUBMITED this 12<sup>th</sup> day of March, 2019.

OFFICE OF THE UTAH ATTORNEY GENERAL

/s/ Kyle J. Kaiser

KYLE J. KAISER  
Assistant Utah Attorney General  
*Attorney for State Defendants*

**CERTIFICATE OF MAILING**

I certify that on March 12, 2019 I electronically filed the foregoing, **NOTICE OF REMOVAL**, using the Court's electronic filing system. I also certify that a true and correct copy of the foregoing was placed in outgoing, United States mail, postage prepaid," and sent vis email to the following:

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/s/ Kara Roth